



DEPARTMENT OF PUBLIC SAFETY
INTRA-DEPARTMENTAL CORRESPONDENCE



DATE: May 20, 2014

FROM: John W. Wheeler, Chief Counsel *JW*
New Mexico Department of Public Safety
Office of Legal Affairs

TO: ALL PERSONNEL
New Mexico Department of Public Safety

SUBJECT: Prohibited Political Activity

In this election year, employees of the Department of Public Safety are reminded of the prohibitions contained in the Standard of Conduct as it relates to engaging in political activities. Pursuant to ADM: 26, the Standard of Conduct is applicable to all Department employees, commissioned officers as well as non-commissioned personnel. The Standard of Conduct, found at 10.5.100.8 NMAC, at Section (Q) states:

Q. The following regulations are for the purpose of providing direction and guidance to all employees as concerns political activity.

(1) While off duty and out of uniform, employees shall be permitted to:

- (a) express opinion as individuals on political issues and candidates;
- (b) attend political conventions, rallies, fund raising functions and similar political gatherings in an unofficial capacity;
- (c) actively engage in any non-partisan political function, partisan meaning an adherent to a party, faction, cause or person; actively engaging in activities of private, fraternal and/or social organizations which do not conflict with the mission of the department of public safety and associated responsibilities is permissible;
- (d) sign political petitions as individuals;
- (e) make financial contributions to political organization;
- (f) perform non-partisan duties as prescribed by state or local laws;
- (g) hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this regulation;
- (h) otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

(2) Employees are prohibited at all times from:

- (a) using their official capacity to influence, interfere with, or affect the results of an election;
- (b) assuming active roles in management, organization or financial activities of partisan political clubs, campaigns or parties;
- (c) serving as officers of partisan ~~political~~ parties and clubs;
- (d) becoming candidates for, seeking election to, or running for, or campaigning for, a partisan elective public or political office;
- (e) soliciting votes in support of, or in opposition to, any partisan candidates;
- (f) serving as delegates to a political party convention;

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- (g) endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast or campaign literature;
- (h) initiating or circulating a partisan nominating petition;
- (i) organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;
- (j) addressing political gatherings in support of, or in opposition to, a partisan candidate;
- (k) otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

The Standard of Conduct is available on the Insider.

If in doubt regarding a specific instance or action, please err on the side of caution and consult your supervisor, the Standards Bureau or the Office of Legal Affairs prior to engaging in the activity.

JWW/jl